IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

CIVIL MISC. APPEAL No. 1261 of 2004

NATIONAL INSURANCE CO LTD.
V/S
LALITA DEVI & ORS

Mr. SANJEEV JOHARI, for the appellant / petitioner

Date of Order : 6.12.2004

HON'BLE SHRI N P GUPTA,J.

ORDER

Heard learned counsel for the appellant.

By the impugned judgment two claim petitions were decided being No. 12 and 13 of 2003. The accident occurred in the manner that the two deceased were traveling on a Bajaj Chetak Scooter in connection with their business. While returning, the Scooter was hit by delinquent Jeep No. 77 by coming on the wrong side. Resultantly Kanhaiya Lal died on the spot, and Om Prakash died during treatment. It is found by the learned trial court that Kanhaiya Lal was 33 years of age, and was working as agent of Sahara India whereby he was earning Rs. 6000/- to 7,000/- p.m. apart from carrying on the shop. Likewise, Om Prakash was also carrying on the shop, undertaking agriculture, and was said to be earining Rs. 5,000/- to 6,000/- p.m. The learned trial court in case of claim relating to death of Om Prakash, assessed the income of Rs. 3,000/-, and employing a multiplier of 17 made assessment and awarded a total sum of Rs. 4,79,006/-. While in the claim relating to the death of Kanhaiya Lal, which relates to present appeal, the income has been assessed at Rs. 4,000/-, and employing a multiplier of 16 only, the compensation has been assessed.

The appellant filed another appeal being Civil Misc. Appeal No. 1260/2004, against the award relating to the claim of death of Om Prakash, which has been dismissed by this Court vide order dt. 8.12.2004, whereby this Court declined to interfere with the quantum of compensation. On the parity of reasoning, I do not find any sufficient ground to interfere with the award in the claim relating to present case either.

The appeal is, therefore, dismissed summarily.

(N P GUPTA),J.

/Sushil/